

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of )  
COMMONWEALTH EDISON COMPANY )  
(Byron Nuclear Power Station, )  
Units 1 and 2) )

Docket Nos. 50-454 OL  
50-455 OL

ADVICE TO THE APPEAL BOARD IN CONNECTION WITH  
ITS OVERALL JURISDICTION TO ASSURE FAIR HEARINGS

The Rockford League of Women Voters ("League"), by its counsel, wishes to advise the Appeal Board of the following events:

1. Shortly after being advised of the Appeal Board's rejection of our Petition for Reconsideration, we received the letter attached hereto as Exhibit A from counsel for the Applicant.
2. Our predictions in our Petition for Reconsideration have now come true.
3. While we have moved for sanctions against Commonwealth Edison Co. for the prospective breach in refusing to answer our Interrogatories, it is clear that the mask of respectability of Commonwealth Edison and its counsel has been stripped away.
4. While we do not contemplate the Appeal Board will take any action, we simply offer Exhibit A as an indication that the Appeal Board's finding of fault with respect to the League probably would have turned out differently if a hearing had been held, as we demanded.

5. While we believe that the matter is now before the Licensing Board, if the Appeal Board in its overall supervision of hearings wishes to take some action against Commonwealth Edison to prevent their delaying tactics, the League would of course welcome it.

Myron M. Cherry, p.c.  
Peter Flynn, p.c.  
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Three First National Plaza  
Suite 3700  
Chicago, Illinois 60602  
(312) 372-2100

Respectfully submitted,

ROCKFORD LEAGUE OF WOMEN VOTERS

By: 

One of Its Attorneys

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June 25, 1982

Myron M. Cherry, Esq.  
Cherry & Flynn  
Suite 3700  
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Chicago, Illinois 60602

Re: Rockford League of Women Voters v.  
Commonwealth Edison Company

Dear Mike:

I have reviewed your June 23, 1982 letter and have received the League's first interrogatories to Commonwealth Edison. The position set forth in your letter is wholly inconsistent with the Appeal Board's June 17, 1982 Order. There are presently 114 League contentions outstanding. The Licensing Board has set the date of August 18, 1982 for the commencement of the evidentiary hearing. We have no present position as to whether that date should be extended pending receipt of your answers to interrogatories on July 6 and the ranking of the League's contentions as contemplated by the Appeal Board Order. We regard that step as a necessary prerequisite to any further proceedings with respect to the League's contentions and anticipate that ranking will take place no later than July 6, 1982, the date on which answers to the interrogatories are due. It may assist you in preparing answers to interrogatories to know that Commonwealth Edison's position is that 114 contentions can not, by any stretch of the imagination, be "comfortably litigated" to accommodate a late 1983 fuel load date for Byron Unit 1 even if evidentiary hearings begin tomorrow. Therefore, I strongly suggest that the League restrict itself to the 10 or so contentions contemplated by the Appeal Board's Order. If you do so, answering our second set of interrogatories by July 6 should pose no problem. In fact, depending on the 10 contentions you choose to litigate, answers to the second set of interrogatories may not be necessary at all.

EXHIBIT A

Myron M. Cherry, Esq.  
June 25, 1982  
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The League's interrogatories to Edison are clearly out of time. The Licensing Board's Order of September 9, 1981, ordered that all discovery be completed by November 1, 1981. The League took no steps to initiate discovery prior to its dismissal of the proceeding, 3 days prior to the discovery cut-off date. Absent any change in the Licensing Board's Order closing discovery as of November 1, 1981, the interrogatories are untimely and will not be answered. An appropriate objection to the interrogatories will be filed with the Licensing Board.

Sincerely,

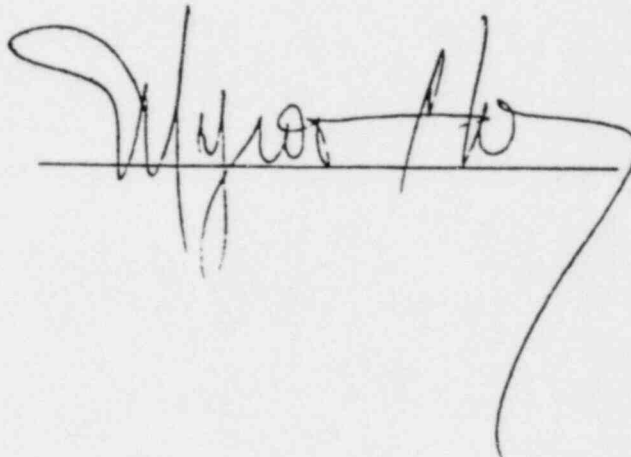
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Michael I. Miller

PROOF OF SERVICE

12 11 2 1006  
WCH

I certify that an original and three copies of the foregoing were served upon the Secretary of the Atomic Safety and Licensing Appeal Board, counsel for the U. S. Nuclear Regulatory Commission Staff, counsel for Commonwealth Edison Co. and the Secretary-Docketing Section of the U. S. Nuclear Regulatory Commission by mail, postage prepaid and properly addressed, this 25th day of June, 1982.

A handwritten signature in black ink, appearing to read "W. C. H.", is written over a horizontal line. The signature is stylized with a large initial 'W' and a long, sweeping tail that extends to the right.